

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BELL ATLANTIC MOBILE OF
MASSACHUSETTS CORPORATION, LTD.
d/b/a VERIZON WIRELESS,

Plaintiff,

v.

CITY OF CAMBRIDGE, MASSACHUSETTS;
CITY OF CAMBRIDGE BOARD OF ZONING
APPEAL; and CONSTANTINE ALEXANDER,
TIMOTHY HUGHES, BRENDAN SULLIVAN,
THOMAS SCOTT, JANET O. GREEN,
DOUGLAS MYERS, SLATER W.
ANDERSON, LINDSEY T. THORNE-
BINGHAM, and ANDREA A. HICKEY, as they
are the Members and Associate Members of the
City of Cambridge Board of Zoning Appeal,

Defendants.

Civil Action No. 14-CV-10431-RGS

**JOINT MOTION OF THE PARTIES TO CLARIFY
THIS COURT'S ORDER ON THE JOINT MOTION TO REMAND DEFENDANT
BOARD'S DECISION FOR FURTHER CONSIDERATION**

The parties to this action jointly request that the Court clarify its Order on the Joint Motion to Remand Defendant Board's Decision for Further Consideration ("Joint Motion to Remand"), dated February 5, 2015, to address the time for filing dispositive motions if the Defendant Board does not grant the permit sought. As support for this motion, the parties state as follows:

1. By their Joint Motion to Remand, the parties agreed that "If fewer than four of the voting members of the Board vote in favor of granting the special permit, the remand proceedings shall be deemed to have concluded, **the Board shall not file a written decision,**

and this case shall proceed in accordance with a tracking schedule to be determined by the Court.” Joint Motion to Remand, ¶ 3 (emphasis added).

2. By order dated February 5, 2015, this Court allowed the Joint Motion to Remand and ordered that “If the litigation is not dismissed after the remand proceedings, dispositive motions must be filed within 45 days of the City of Cambridge Board of Zoning Appeal filing its decision with the City Clerk.”

3. However, dispositive motions will only be necessary if the Defendant Board does not grant the requested permit and, if so, the Board will not file a written decision.

4. Accordingly, the parties request that this Court clarify its February 5, 2015, Order to require that dispositive motions, if necessary, be filed within 45 days of the City of Cambridge Board of Zoning Appeal’s vote at the remand hearing, and any oppositions thereto be filed within the time schedule contained in Local Rule 7.1(B)(2).

WHEREFORE, the parties respectfully request that the Court clarify its February 5, 2015, Order to require that dispositive motions, if necessary, be filed within 45 days of the City of Cambridge Board of Zoning Appeal’s vote at the remand hearing, and any oppositions thereto be filed within the time schedule contained in Local Rule 7.1(B)(2).

Respectfully submitted,

**PLAINTIFF,
BELL ATLANTIC MOBILE OF
MASSACHUSETTS CORPORATION,
LTD. d/b/a Verizon Wireless,**

**DEFENDANTS,
CITY OF CAMBRIDGE and MEMBERS
AND ASSOCIATE MEMBERS OF THE
CITY OF CAMBRIDGE BOARD OF
ZONING APPEAL,**

By its attorneys,

By their attorney,

/s/ Danielle Andrews Long
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Dated: February 23, 2015

CERTIFICATE OF SERVICE

I, Danielle Andrews Long, hereby certify that a copy of the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those, if any, indicated as non-registered participants on this 23rd day of February, 2015.

/s/ Danielle Andrews Long
Danielle Andrews Long